

joint session of the House and Senate to hear the biennial message of the Governor at 11:00 o'clock a. m. tomorrow.

The resolution was read, and by unanimous consent, was considered immediately.

The resolution was adopted.

### Adjournment

On motion of Senator Metcalfe, the Senate, at 12:05 o'clock p. m., adjourned until 10:30 o'clock a. m. tomorrow.

### THIRD DAY

(Thursday, January 11, 1945)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalfe	

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal approved.

### Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senator Aikin:

S. B. No. 14, A Bill to be entitled An Act defining certain duties of the governing board of the institutions

of higher learning of Texas specifically defining the method of employing members of the faculty and specifically defining the procedure of dismissing members of the faculty.

To Committee on Education.

By Senator Winfield:

S. B. No. 15, A Bill to be entitled An Act to amend Article 2, Chapter II, of the Texas Banking Code of 1943, as adopted by the acts of 1943, 48th Legislature, so as to provide for the appointment of a Deputy Commissioner; defining his qualifications and duties, and declaring an emergency.

To Committee on Banking.

By Senator Winfield:

S. B. No. 16, A Bill to be entitled An Act to amend Article 1, Chapter II, of The Texas Banking Code of 1943, as adopted by the acts of 1943, 48th Legislature, so as to provide for the appointment of the Banking Commissioner; fixing his tenure of office, prescribing his qualifications and, in the event of a vacancy, providing the method of selecting a successor, and declaring an emergency.

To Committee on Banking.

By Senator Winfield:

S. B. No. 17, A Bill to be entitled An Act appropriating the sum of \$13,250.00 or so much thereof as may be necessary to satisfy, according to the terms thereof, the judgment rendered against the State of Texas in favor of W. D. Malone in Cause No. 53,930 in the Fifty-third District Court of Travis County, Texas, such judgment having been appealed to the Court of Civil Appeals and affirmed, and writ of error having been refused for want of merit by the Supreme Court of Texas, and the case having been finally disposed of by the Supreme Court of the State of Texas under Application Docket No. 26,902; and declaring an emergency.

To Committee on Finance.

By Senator Spears:

S. B. No. 18, A Bill to be entitled An Act to protect the right to enter into sale contracts relating to commodities bearing the trade mark, brand or name of its producer or owner; to protect producers or owners, distributors, dealers and the general public against injurious practices

in the sale and resale of commodities of standard quality under distinguished trade marks, brands and names; and to facilitate fair practices in the sale of commodities which are in fair and open competition with commodities of the same general class; defining and making unfair competition actionable at the suit of a person damaged thereby, and declaring an emergency.

To Committee on Civil Jurisprudence.

By Senator Vick: .

S. B. No. 19, A Bill to be entitled An Act amending Article 1302, Chapter 1, of Title 32 of the Revised Civil Statutes of the State of Texas, 1925, by adding thereto a new subdivision, to be known as subdivision 3a, providing for the formation of private corporations for one or more of the following purposes, namely: Religious, Charitable, Literary, Scientific or Educational; and declaring an emergency.

To Committee on Civil Jurisprudence.

By Senator Stanford:

S. B. No. 20, A Bill to be entitled An Act making appropriation for an increase in salaries of State officials and State employees for the period beginning with the effective date of this Act and ending on August 31, 1945, supplementing the salaries designated and/or provided for in House Bill No. 665, Acts of the Regular Session of the Forty-eighth Legislature, and declaring an emergency.

To Committee on Finance.

By Senator Stanford:

S. B. No. 21, A Bill to be entitled An Act making appropriation for an increase in salaries of State officials and State employees for the period beginning with the effective date of this Act and ending on August 31, 1945, supplementing the salaries designated and/or provided for in Senate Bill No. 333, Acts of the Regular Session of the Forty-eighth Legislature, and declaring an emergency.

To Committee on Finance.

By Senator Stanford:

S. B. No. 22, A Bill to be entitled An Act making appropriation for an increase in salaries of State officials and State employees for the period beginning with the effective date of this Act and ending on August 31, 1945, supplementing the salaries designated and/or provided for in Senate Bill No. 332, Acts of the Regular Session of the Forty-eighth Legislature, and declaring an emergency.

To Committee on Finance.

By Senator Stanford:

S. B. No. 23, A Bill to be entitled An Act making appropriation for an increase in salaries of State officials and State employees for the period beginning with the effective date of this Act and ending on August 31, 1945, supplementing the salaries designated and/or provided for in House Bill No. 666, Acts of the Regular Session of the Forty-eighth Legislature, and declaring an emergency.

To Committee on Finance.

By Senator Stanford:

S. B. No. 24, A Bill to be entitled An Act to amend Senate Bill No. 44, Chapter 155, page 366, Acts of the Thirty-ninth Legislature, Regular Session, granting to incorporated cities and towns having a population of forty thousand or more, according to the 1940 United States census, the banks, beds, channels and abandoned banks, beds and channels of rivers, streams and other channels within present or future corporate limits or along a boundary thereof; fixing the consideration for such grants; reserving royalties to the State from all minerals therein; and declaring an emergency.

To Committee on Towns and City Corporations.

By Senator Stanford:

S. B. No. 25, A Bill to be entitled An Act to grant, sell and convey to the City of Austin, the two tracts of land marked "reserve" on the map of the City of Austin, according to a survey by Sandusky in 1840, which is on file in the Land Office, and also certain islands in the Colorado river; fixing the consideration for said grant; making reservation of royal-

ties to the State; and declaring an emergency.

To Committee on Public Lands and Land Office.

By Senator Ramsey:

S. B. No. 26, A Bill to be entitled An Act to amend Article 1506, Title 32, Chapter 15, Revised Civil Statutes of Texas of 1925, providing for the enlargement of the powers of corporations organized under Chapter 32, Title 15, of the Revised Civil Statutes of 1925, for the purpose of storing, transporting, buying and selling oil and gas, salt, brine, and other mineral solutions in this State; and providing that such corporations organized under said Title 32, Chapter 15, shall have, to the same extent as though created for such purpose under any other provisions of the laws of this State, the power to own and operate chemical and manufacturing plants and to manufacture, purchase, sell and deal in generally, without limitation, goods, wares and merchandise of various descriptions; and providing further that corporations formed outside of this State by such corporations organized under Title 32, Chapter 15, shall have such powers as may be conferred by law in the jurisdiction where incorporated; all in addition to the powers now provided in Article 1506; and declaring an emergency.

To Committee on Civil Jurisprudence.

By Senator Ramsey:

S. B. No. 27, A Bill to be entitled An Act to amend Section 5 of House Bill No. 18, Chapter 400, Acts of the Forty-fourth Legislature, First Called Session, 1935, as amended by Section 1 of Article XIX of House Bill No. 8, Chapter 184, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended by Section 1 of House Bill No. 10, Chapter 205, Acts of the Forty-eighth Legislature, Regular Session, 1943, by providing an exemption of any place or places where or from which ice is sold, provided as much as seventy-five (75) per cent of the gross proceeds of the business done each preceding calendar year at or from such place or places is derived from the sale of ice; providing a saving clause; providing that all laws or parts of

laws in conflict herewith are hereby repealed; and declaring an emergency.

To Committee on Civil Jurisprudence.

By Senator Martin:

S. B. No. 28, A Bill to be entitled An Act amending Section 2, Chapter 282, Acts of the Regular Session of the 42nd Legislature of Texas, 1931, page 507 (otherwise known as Section 2, Article 827A, Penal Code of Texas); re-enacting said section, and in addition thereto providing for and authorizing the State Highway Department of the State of Texas to grant permits limited to ninety (90) days, or less, for the transportation over state highways of the State of Texas and county roads of the State of Texas bulk cement to be used in cementing oil well casings and gas well casings and in cementing oil wells and gas wells in overweight quantities when hauling same from the bulk cement plant which is located at a railway point and which is nearest the oil well, gas well or drilling site where said bulk cement is to be used, and to permit the operation of superheavy equipment to make such transportation as authorized, provided same complies with the requirement of Section 3 of this Act, 827A; repealing all laws in conflict herewith; providing a saving clause; and declaring an emergency.

To Committee on Highways and Motor Traffic.

By Senator Sulak:

S. B. No. 29, A Bill, to be entitled An Act which provides for the prevention and control of communicable diseases; defining certain terms; providing for the report of certain diseases; prevention or spread of diseases; notification to proper agencies; providing for its administration; repealing Rules 1 to 33, inclusive, of Chapter 4, Article 4477 of the Revised Civil Statutes of Texas of 1925; repealing all articles, sections and sub-sections of law which conflict or are inconsistent with this Act; prescribing a penalty and declaring an emergency.

To Committee on Public Health.

By Senators Morris, Metcalfe, Bullock, Lane, and Aikin:

S. B. No. 30, A Bill to be entitled

An Act amending Sections 1 and 2 of Article 2, Section 2 of Article 3, Section 1 of Article 4, Section 1 of Article 5 and Section 2 of Article 13, all of Chapter 373, Acts of the Regular Session, Forty-eighth Legislature and relating to state aid to public schools; and making additional appropriation of One Million, Five Hundred and Seventy-five Thousand, and Eighty-Two Dollars (\$1,575,082.00); repealing all laws in conflict therewith; providing for severability and declaring an emergency.

To Committee on Finance.

### Joint Resolution on First Reading

The following joint resolution was introduced, read first time, and referred to the Committee on Constitutional Amendments:

By Senator Ramsey:

S. J. R. No. 2, Proposing an amendment to Sections 9 and 20, of Article 5, of the Constitution so as to provide for the election of a District Clerk and a County Clerk in counties having a population of fifteen thousand or more; providing for the election of a single District and County Clerk in counties having a population of less than fifteen thousand; fixing the time for an election therefor; prescribing the form of ballot; providing for proclamation of such election and the advertisement thereof; and making an appropriation therefor.

### Message from the House

Hall of the House of Representatives,

Austin, Texas,  
January 11, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills and Resolutions:

H. C. R. No. 4, Endorsing the ratification by the United States Senate of a treaty between the United States and Mexico.

H. C. R. No. 5, Extending an invitation to Commander Scheiberling of

the American Legion to address a Joint Session.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

### Senate Resolution 6

(Mascot of Senate)

Senator Bullock offered the following resolution:

Whereas, We will be favored during the Forty-ninth Session of the Texas Senate, by the presence of a charming and adorable young man who radiates happiness and sunshine; and

Whereas, This young man is showing every evidence of having inherited all of the attributes of his charming mother and sterling qualities and mental alertness of his father, who is a distinguished member of this Senate; and

Whereas, George Carroll Morris, son of Senator and Mrs. G. C. Morris, will symbolize peace, happiness, and good will; therefore be it

Resolved, That as an evidence of our admiration and love, we herewith designate him, George Carroll Morris, as Mascot of the Texas Senate during the Forty-ninth Session of the Texas Legislature; and, be it further

Resolved, That his picture be placed on the picture panel as "Mascot of the Texas Senate" with the members of this Session, and that a copy of this resolution be sent to him.

BULLOCK  
LANE  
BROWN  
MOFFETT  
METCALFE  
AIKIN

The resolution was read and was adopted unanimously.

### House Concurrent Resolution 4

On motion of Senator Winfield and by unanimous consent, the Senate took up for consideration at this time:

H. C. R. No. 4, Requesting ratification of treaty between the United States and Mexico relative to waters of certain streams.

The President laid the resolution before the Senate, and it was read and was adopted.

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
January 11, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills and Resolutions:

S. C. R. No. 1, Providing for inauguration of Governor and Lieutenant Governor, etc.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
January 11, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills and Resolutions:

S. B. No. 5, An Act making an appropriation of the sum of Three Hundred Fifty Thousand (\$350,000.00) Dollars, etc., and declaring an emergency.

H. C. R. No. 6, Providing for the appointment of a Committee for the purpose of counting and certifying the votes for the Governor and Lieutenant Governor.

H. C. R. No. 7, Granting each House permission to adjourn from Thursday, January 11th to Monday, January 15th.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

**Standing Committees**

The President announced the appointment of the following standing committees of the Senate:

**Aeronautics**

Senator York, Chairman; Senator Moffett, Vice Chairman; Senators Moore, Stone, Ramsey, Martin, Hazlewood, Morris, Shivers, Brown, Taylor, Kelley.

**Agriculture**

Senator Sulak, Chairman; Senator Moffett, Vice Chairman; Senators Knight, Mauritz, Bullock, Martin, Hazlewood, Jones, Ramsey, York, Parrish, Aikin, Metcalfe.

**Banking**

Senator Stone, Chairman; Senator Winfield, Vice Chairman; Senators Hazlewood, Stanford, Mauritz, Shivers, Stone, Martin, Vick, Crawford, Brown, Metcalfe.

**Civil Jurisprudence**

Senator Vick, Chairman; Senator Weinert, Vice Chairman; Senators Moore, Martin, Stanford, Lanning, Carney, Vick, Ramsey, Hazlewood, Shivers, Kelley, Aikin, York, Stone.

**Commerce and Manufacturing**

Senator Jones, Chairman; Senator Graves, Vice Chairman; Senators Crawford, Knight, Brown, Taylor, Spears, Chadick, Sulak, Hazlewood.

**Congressional Districts**

Senator Brown, Chairman; Senator Morris, Vice Chairman; Senators Metcalfe, Taylor, Knight, Sulak, Moffett, Jones.

**Constitutional Amendments**

Senator Martin, Chairman; Senator Stone, Vice Chairman; Senators Weinert, Sulak, Vick, Shivers, Ramsey, Lanning, Mauritz, Graves, Taylor, Moffett.

**Contingent Expense**

Senator Aikin, Chairman; Senator Lanning, Vice Chairman; Senators Stone, Winfield, Mauritz, Sulak, Jones.

**Counties and County Boundaries**

Senator Chadick, Chairman; Senator Bullock, Vice Chairman; Senators Brown, Parrish, Morris, Knight.

**Criminal Jurisprudence**

Senator Lane, Chairman; Senator Ramsey, Vice Chairman; Senators Martin, Vick, Carney, Stone, Shivers, Spears, Weinert, Kelley, Stanford, York.

**Education**

Senator Bullock, Chairman; Senator Aikin, Vice Chairman; Senators Tay-

lor, Crawford, Parrish, Sulak, Stanford, Morris, Chadick, Knight, Brown, Hazlewood.

#### Engrossed Bills

Senator York, Chairman; Senator Lane, Vice Chairman; Senators Stanford, Chadick, Vick.

#### Enrolled Bills

Senator Morris, Chairman; Senator Bullock, Vice Chairman; Senators Aikin, Ramsey, Metcalfe, Crawford.

#### Federal Relations

Senator Moffett, Chairman; Senator Winfield, Vice Chairman; Senators Martin, Weinert, Morris.

#### Game and Fish

Senator Carney, Chairman; Senator Crawford, Vice Chairman; Senators Moffett, Winfield, Moore, Mauritz, Brown, Weinert, Stone, Martin, Stanford.

#### Highways and Motor Traffic

Senator Metcalfe, Chairman; Senator Crawford, Vice Chairman; Senators Chadick, Ramsey, Mauritz, Moffett, Sulak, Bullock, Stanford, Stone, Hazlewood, Lanning, Kelley, Graves, Martin, Jones, York, Knight, Brown.

#### Insurance

Senator Graves, Chairman; Senator Vick, Vice Chairman; Senators Carney, Stanford, Sulak, Jones, Stone, Martin, Morris, Ramsey, Hazlewood, Knight.

#### Internal Improvements

Senator Parrish, Chairman; Senator Graves, Vice Chairman; Senators Carney, Mauritz, Stanford, Morris, Knight, Crawford.

#### Interstate Cooperation

Senator Sulak, Chairman; Senator Moffett, Vice Chairman; Senators Kelley, Hazlewood, Winfield, Brown, Jones.

#### Judicial Districts

Senator Shivers, Chairman; Senator Vick, Vice Chairman; Senators Weinert, Stone, Carney, Parrish.

#### Labor

Senator Taylor, Chairman; Senator Martin, Vice Chairman; Senators Winfield, Lanning, Ramsey, Weinert, Bullock, Spears, Moffett, Jones, Aikin.

#### Military Affairs

Senator Shivers, Chairman; Senator Spears, Vice Chairman; Senators Taylor, Aikin, Martin, Moffett, Crawford, Graves.

#### Oil, Gas, and Conservation

Senator Weinert, Chairman; Senator Martin, Vice Chairman; Senators Taylor, Moore, Shivers, Lane, Winfield, Moffett, Mauritz, Hazlewood, Carney, Ramsey, Lanning, Martin, York, Stone, Bullock.

#### Penitentiaries

Senator Stone, Chairman; Senator Knight, Vice Chairman; Senators Graves, Sulak, York, Jones, Ramsey, Chadick, Morris, Vick, Moffett.

#### Privileges and Elections

Senator Kelley, Chairman; Senator Carney, Vice Chairman; Senators Stone, Crawford, Martin.

#### Public Buildings and Grounds

Senator Stanford, Chairman; Senator Jones, Vice Chairman; Senators Carney, Knight, Brown, Sulak, Crawford.

#### Public Debts, Claims and Accounts

Senator Spears, Chairman; Senator Brown, Vice Chairman; Senators Metcalfe, Mauritz, Lanning, Knight, Winfield.

#### Public Health

Senator Sulak, Chairman; Senator Chadick, Vice Chairman; Senators Stone, Bullock, Graves, Jones, York, Mauritz, Martin, Winfield, Crawford, Moffett, Metcalfe, Shivers.

#### Public Lands and Land Office

Senator Hazlewood, Chairman; Senator Stanford, Vice Chairman; Senators Winfield, Metcalfe, Aikin, York, Moffett.

#### Public Printing

Senator Crawford, Chairman; Senator Sulak, Vice Chairman; Senators Lane, Ramsey, Brown.

#### Representative Districts

Senator Ramsey, Chairman; Senator Chadick, Vice Chairman; Senators Parrish, Moffett, Spears, Bullock, Metcalfe, Knight, Sulak.

**Rules**

Senator Taylor, Chairman; Senator Moore, Vice Chairman; Senators Lanning, Martin, Moffett, Shivers, Stone.

**Senatorial Districts**

Senator Hazlewood, Chairman; Senator Spears, Vice Chairman; Senators York, Parrish, Winfield, Crawford, Metcalfe, Sulak, Kelley, Ramsey, Jones, Vick, Stanford, Knight.

**State Affairs**

Senator Mauritz, Chairman; Senator Martin, Vice Chairman; Senators York, Moore, Lanning, Kelley, Weinert, Hazlewood, Graves, Moffett, Winfield, Taylor, Ramsey, Shivers, Carney, Spears, Parrish, Stone, Lane, Bullock, Vick.

**State Institutions and Departments**

Senator Chadick, Chairman; Senator Hazlewood, Vice Chairman; Senators Jones, Bullock, Martin, Carney, Stanford, Sulak.

**Stock and Stock Raising**

Senator Moffett, Chairman; Senator Hazlewood, Vice Chairman; Senators Metcalfe, Parrish, Mauritz, Winfield, Martin.

**Towns and City Corporations**

Senator Knight, Chairman; Senator Parrish, Vice Chairman; Senators Lane, Stanford, Morris, Bullock, Kelley, Stone.

**Resignation from Committee**

Senator Moore offered to the President his resignation as a member of the Committee on Finance.

The President accepted the resignation.

**Committee to Escort Governor**

In accordance with H. C. R. No. 3, adopted on yesterday, the President appointed Senators Aikin, Lanning, Mauritz, Moffett and Brown as members of the committee on the part of the Senate to escort the Governor to the joint session today to hear the Governor's biennial message.

**Joint Session**

(To Hear Message of Governor)

The President announced that the

hour fixed by concurrent action of the two Houses to meet in joint session to hear the biennial message of the Governor had arrived.

Accordingly, the President of the Senate and Senators present proceeded to the Hall of the House of Representatives at 11:00 o'clock a. m.

The Senators were announced and were admitted and escorted to seats already prepared for them along the aisle.

The President of the Senate, by invitation of the Speaker, occupied a seat on the Speaker's rostrum.

The President called the Senate to order, announced the purpose of the joint session, and announced a quorum of the Senate present.

Hon. Claud Gilmer, Speaker of the House, called the House to order, and requested members of the House to register.

A quorum of the House was announced present.

The Hon. Coke R. Stevenson, Governor of Texas, was escorted to the speaker's rostrum by Senators Aikin, Lanning, Mauritz, Moffett, and Brown on the part of the Senate, and Representatives Williamson, Walker, Smith of Tarrant, Pearson and Proffer, on the part of the House.

The Speaker then presented Governor Coke R. Stevenson to the joint session.

The Governor delivered to the joint session the following address and message:

Austin, Texas,  
January 10, 1945.

To the Members of the Forty-ninth Legislature:

Two years have elapsed since we met on a similar occasion; two years filled with activities of war; two years in which your State government has sought to meet the requirements of civil functions and also render every assistance possible to the war program.

During four months of that period, you labored faithfully as a legislative

body. You made adequate provision for the agencies of the State, while at the same time, you anticipated the demands of war sufficiently to enable the State to meet every military requirement.

My conception of a program on the home front falls into three major divisions: first, vigorous prosecution of the war; second, thoughtful preparation for peace time conditions; third, preservation of Constitutional government in our country.

In support of the first division, I have proceeded in the belief that every effort toward winning the war should come first. Unless we win the war, we can have little hope for peace of any character. Unless we win the war, we can scarcely hope for a government of law in accordance with those charters of liberty known as the Constitutions, State and Federal. Therefore, the war with all of its horrors and heartaches and with its wasteful destruction of life and property must continue to receive our first attention, and when the books are closed on this global struggle and when the totals are cast of the contributions made by the several states, every Texan will have reason to be proud of his citizenship.

It is not possible to mention all of those patriotic individuals who have rendered outstanding service to a nation at war. They are found in every group and in every walk of life. Capital and labor have cooperated in a manner that is gratifying. Farmers and livestock men, school teachers, club women and housewives, merchants and bankers; members of all the trades and professions have joined in the war effort. Most of these are represented in the ranks of the Texas State Guard which is valiantly holding the lines on the home front while more than 600,000 Texas men and women fight the battles for freedom in the armed services of the nation.

Consideration of the second division might lead us into the domain of national policy in some respects. Our people, however, will be affected by the provisions for peace. A responsibility devolves upon us to contemplate the conditions which will follow the advent of peace and make plans to solve the problems which will be presented. This involves postwar planning.

The Forty-eighth Legislature provided for a Postwar Planning Commission. It required me to appoint the members of that commission. I have selected the personnel of the commission in accordance with what I believe to be the intent of the Legislature. The members have given a lot of consideration to postwar problems. They have been handicapped by insufficient funds and it may be that this Legislature will decide that a reasonable amount of money could be expended in that direction with hope of profit to the State and substantial benefits to our returning service men and women.

Most of us realize that one of the problems which will follow the return of peace will be that of employment for those who desire to work. Your State departments and institutions have been vigorous in preparing plans which will aid in the solution of this problem, and at the same time, provide benefits to the public generally. As an illustration, let me mention the Highway Department. This department has been doing very little construction but has concentrated its efforts on maintaining the existing road system in the best possible condition for the duration of the emergency. This work consists of intensified regular maintenance, involving light reconstruction and resurfacing where failures develop.

At a conference with the Highway Commission in the early stages of the war, it was decided to restrict construction activities during the war, due to various factors and patriotic reasons as well as the high prices and lack of materials prevailing during this period. Accordingly, we have been able to conserve our construction funds and invest them in war bonds in accordance with the permissive act of the last Legislature. At this time, \$30,000,000.00 is invested in war bonds which emphasizes my first point of placing support of the war first on our program.

A Federal Postwar Highway Bill has passed the United States Congress and was signed by the President on December 20, and, accordingly, became a law on that date. This law sets the Federal pattern for participation in our postwar highway program. Insofar as Texas is concerned this will mean a total three year program in the approximate amount of \$172,500,000.00. This rep-



resents fifty per cent Federal funds and fifty per cent State funds. This will cover a period of three years and will be divided approximately as follows:

Primary Federal Aid—  
\$28,500,000.00 per year  
Farm to Market Roads—  
\$20,000,000.00 per year  
Urban Highways—  
\$9,000,000.00 per year

This program will require approximately \$86,250,000.00 in State Highway funds to match the Federal grants. We have made a careful study of our financial position and find that with our \$30,000,000.00 "nest egg" we will be able to start this program promptly at the expiration of the emergency, and over a three year period with a normal return from our gasoline tax and license fee revenues, we should be able to raise the remaining \$56,250,000.00 in the three year period, although it will be necessary that we hold pure State fund construction to the minimum. A careful analysis indicates that if this is done we should execute our three year program with funds that will be available to us, leaving a balance at the end of the third year of only \$400,000.00, which is a rather close margin on which we must attempt to operate, but we feel that by careful administration, this can be accomplished.

The Department is now engaged in preparation of plans in order to be ready at the proper time. As of this date, plans are ready on approximately \$60,000,000.00 of this work and steady progress is being made on at least another \$50,000,000.00 worth of work. This progress contemplates the benefits of road and bridge construction in practically every community in the State.

Plans for other improvements have been made by many of the cities and counties. Chambers of Commerce in many localities and particularly the three great regional Chambers of Commerce in Texas have made considerable progress along this line. The details will likely be included in a report from the Postwar Planning Commission to which I have just referred. All of this will be before you in your consideration of the subject. The entire program should dovetail to-

gether into a pattern which all Texans can enthusiastically support. In this connection, the work of the Good Neighbor Commission has been very valuable. Any consideration of the progress and development of Texas after the war must include relations now existing and the proper relations to be maintained between us and the great Republic of Mexico. Our relations, considering the overall picture, were never better than they are at the present time.

The third division in my home front program is the preservation of Constitutional government for our country. It is one that places duties and responsibilities on all of us. You are assembling here in obedience to a Constitutional provision. Your labors will undoubtedly be performed with due respect for the requirements of the organic law.

This same authority imposes upon me the obligation to appear before you today. I am required to give you such information as I possess with reference to the condition of the State. Much of this is already known to you. Modern methods of bookkeeping and accounting and modern means of communication enable all of us to secure such information quickly. The State Treasurer issues monthly reports. The Comptroller's books reflect the income and outgo of the State's finances. The State Auditor checks these and other departments and makes frequent reports. The newspapers present all of the available information to the public.

It is well-known at this time that the State is on a cash basis in its general fund. Just previous to your meeting two years ago, the deficit was over \$30,000,000.00. It had amounted to over \$33,000,000.00. The last Legislature reduced appropriations to the point where the State could live within its income and apply any accumulation to wiping out the deficit. At the same time, it did no injury to the State as a whole. In fact, it increased the appropriation for old age assistance \$3,600,000.00 for the biennium, and provided additional aid to the blind and other items of social security. It increased the appropriation for the rural schools and in many ways gave evidence of its interest in the welfare and progress of our human resources. I give you full credit for these accomplishments.

Our views were not far apart two years ago. I recommended for the support of the State government in the four appropriation bills which appear in the printed budget, a total of approximately \$31,800,000.00 for each of the years ending August 31, 1944, and August 31, 1945. You appropriated a little more than \$31,000,000.00 for the first fiscal year and a little less than \$31,000,000.00 for the second fiscal year. In my recommendation, however, I budgeted all items in the Department of Public Welfare. You eliminated many of the items, but provided that the department could use not exceeding three per cent of the total amount expended for assistance out of all funds, State and Federal. This has resulted in an expenditure of funds for operation in that department which makes the total recommendations by me two years ago and the total appropriations by you almost identical.

I have not been as specific with this Legislature. You have the printed budget before you and you will note my letter which accompanies the same. I hereby adopt it by reference and make it a part of this message, with a feeling of confidence that you will do that which is fair, just, and equitable by all concerned.

In that letter I mentioned the amendment to the Constitution which now appears as Section 49a of Article 3 and which was designed to place the State on a cash basis and cause it to be operated on a cash basis. The amendment requires the Comptroller to estimate the revenues for the next biennium and he is not required to do this until about the time the Legislature convenes. The Comptroller has been diligent, however, and has already presented his estimate under date of January 1, 1945. This has been placed in your hands and a careful study of it will enable you to have as much information as I am able to supply.

This section of the Constitution prohibits the passage of any bill appropriating money until and unless the Comptroller endorses his certificate thereon showing that the amount appropriated is within the amount estimated to be available in the affected funds.

Continuing with my third division, one of the Constitutional requirements is that the Governor shall recommend to the Legislature such meas-

ures as he may deem expedient. The conditions which I mentioned in my message two years ago still prevail. I can hardly improve upon what I then said with respect to this requirement. My personal inclination is to refrain from specific recommendations for legislation. There are several reasons for this. One is that I am not the Legislature. You are the Legislature and I have every confidence in your good judgment and devotion to the public interest. Another is that I am reluctant to offer advice and especially on subjects where the opportunity for knowledge is open to all and your judgment is as good as mine. Another is that the destiny of a State seldom depends upon any one specific item of legislation.

It is not the spectacular things we do which usually bring joy and happiness to others. It is rather a compliance with those commonplace requirements which have been known from time immemorial to lend aid and assistance to our fellow man. There is nothing spectacular about earning our daily bread but it is a necessity for most of us. There is nothing spectacular about eating three meals a day but it is a necessary replenishment of physical well-being. There is nothing spectacular about the Legislature giving careful consideration to a multitude of items in the appropriation bill and raising revenue sufficient for the economical administration of the State government but such labors are necessary in order to comply with the plain mandate of the supreme legislative authority.

In an effort to comply with the requirements, I will briefly refer to a few items of legislation. The first is directing your attention to that provision of the Constitution which requires the Legislature to re-district the State following each decennial census. This provision should be observed by this Legislature. It is necessary that the State be correctly apportioned in order that each section may have equal voice in legislation. If our effort to preserve Constitutional government is effective, we must set an example in obedience to the Constitution. Re-districting has been long delayed. I earnestly recommend that something be done about it.

Section 5 of Article 3 seems to contemplate that such emergency matters as may be submitted by the

Governor shall be in special messages. I consider this an emergency matter and will send you a special message in due time.

I am still of the opinion that the Legislature should give attention to the judicial districts in the State. I have no particular district in mind but I know that some sections have more courts than are necessary. We should have sufficient courts to enforce the law and give every citizen his day in court. Any number of courts in excess of these requirements, however, constitutes an unwarranted expense to the taxpayers. An idle court also lessens public confidence in the judicial system and there is no subject more vital to our American way of life than the preservation of complete confidence in the judiciary.

I am still intensely interested in a practical farm-to-market road system. This has been already mentioned in connection with the activities of the Highway Department. The money apparently available for this work is very gratifying and it will substantially assist the producers of this State.

It is anticipated that under the three year farm road program contemplated in the postwar period, the State will construct many miles of low cost, land service roads. This will, of course, be a substantial achievement and will greatly exceed previous progress in the construction of roads of this type. Texas' need for farm roads, however, is great. Although Texas has witnessed widespread industrial expansion in the past few years, basically the economy of the State is keyed to agricultural pursuits and continued thought and attention must be given to further development of those facilities which will aid our farmers in bringing our agricultural economy to a higher state of accomplishment. Good roads through rural areas will greatly improve our agricultural areas, will make rural life more attractive and will provide our rural schools with a transportation system which will be serviceable in all kinds of weather.

It is my hope that within the next ten to fifteen years, this State will have a network of 20,000 to 24,000 miles of surfaced farm roads.

The postwar highway program

probably will constitute the largest segment of public works in the post-war period. It will provide millions of man-hours of labor to our citizenship. It will be placed in operation at a time when our men and women are returning from the battlefields and our war plants are converting from production of the arms of war to the implements of peace. It will do much to provide gainful and useful employment during the reconversion period. I urge that the Legislature give close study to our highway problems so that the decks may be cleared to place this program into operation with a minimum of delay and with a maximum of benefits to all of the people.

It is my recommendation that the existing road bond servicing law be re-enacted in its present form to protect the credit of the State and its counties.

I am deeply interested in the conservation of our natural resources. You have already passed a very practical soil conservation act and under it, steady progress is being made in preventing erosion and in construction of drainage facilities and other improvements to the land which are beneficial not only to the present owners but to those who may own it or use it in the next generation.

The demands of war have focused attention upon our timber resources. The processing of timber is a great industry in Texas. The timber areas have suffered grievously from forest fires and other agencies of destruction. I think we might well consider any suggested legislation which will tend to conserve this great natural resource.

During the past year there has been considerable agitation and comment resulting from the building of a pipeline to be used for transporting natural gas from Texas to other states. I have received hundreds of letters, telegrams, telephone calls and copies of resolutions from people from different sections of the State of Texas. Some of such communications urge that legislation be enacted to prohibit the transportation of natural gas out of the State of Texas. Others urge that a heavy severance tax be imposed upon natural gas transported from Texas to other states.

I have not reached any conclusion yet as to what the Legislature should

do or as to what it can legally do. The matter is one which should be worked out in connection with a good legal staff and my office is not furnished with such facilities. The Railroad Commission has recently conducted a hearing for the purpose of obtaining information concerning the natural gas business in Texas. You will have your committees in both Houses which may deem it proper to hold hearings in an effort to ascertain the facts. There is considerable conflict of opinion among the best informed experts on this subject as to the actual extent of our natural gas resources. I feel certain you will find members of the Railroad Commission and their employees will cooperate with the Legislature in every respect concerning this important subject.

It is well known that conflicts exist in our election laws. I am advised that these will be specifically brought to your attention by the introduction of bills intended to correct such defects. Legislation of this character is highly desirable and I am glad to know that it is being considered. It should, however, be carefully considered in order that further conflicts will not occur in the statutory provisions regarding elections. I am confident the Attorney General's Department will be glad to check any proposed amendment of existing law to determine whether it is in conformity with other provisions of the statutes.

The Governor does not now receive any public moneys and there are no funds subject to his order except such appropriations as the Legislature makes to the Executive Department. The amount thereof appears in the printed budget.

Another Constitutional provision is that the Governor shall present estimates at the commencement of each regular session of the amount of money required to be raised by taxation for all purposes. Such estimates must, of necessity, depend upon the appropriations made by the Legislature. Furthermore, this provision is undoubtedly modified by the provisions of Section 49a of Article 3 to which I have already referred. This section is a late amendment to the Constitution and requires the Comptroller to estimate the revenues available from tax levies already made and requires the Legislature to keep the appropriations within such reve-

nues unless additional levies are made.

I think the present levies are sufficient although some adjustments may be advisable in order to equalize the tax burden. Taxable property not now being taxed should be taxed and in some cases it may be advisable to adjust the rates now being levied as, for instance, in the insurance field, upon which I may be able to submit a specific recommendation at a later date.

I realize the necessity of increasing the appropriation for old age assistance and for an increase in salaries of State employees in the lower income brackets and for an adjustment in the law to permit school teachers in rural aid districts to receive an increase in compensation. The State Service Office should be adequately provided for in order to care for our returning service men and women, many of whom have been disabled in their country's service. The deficiency appropriation granted by me to the Liquor Control Board following the last session of the Legislature expires with the convening of this session. I am confident you will take all of these items, and others which may occur to you, into consideration in order to do justice to all and still keep the State's financial condition on a solvent basis. Every one of these recipients of public money should be able at all times to cash his or her warrant at face value and without its being discounted in any amount whatever.

Circumstances will probably require further communications from me during the present session. These will be sent in a spirit of cooperation with you in your efforts to give Texas another safe and sane administration. There was never a time when the Legislature was more important to the State than now. You are the representatives of the people. You have been elected to transact the people's business in a manner which will be equitable and just to every citizen. I have a sincere appreciation of the Legislature as a body and of the members personally. I accord you the same sincerity of purpose to which I claim devotion and that is to serve Texas faithfully and well. If we can come to the close of this session with a consciousness of having done that, we may rest assured that our work will be well received by those who

have committed it to our hands, trusting us to deal with them as we would have them deal with us.

Respectfully submitted,  
COKE R. STEVENSON,  
Governor of Texas.

At the conclusion of the address, the Senate retired to its Chamber.

#### In the Senate

The President called the Senate to order at 11:40 o'clock a. m.

#### Messages from the Governor

The President laid before the Senate, and had read at this time, the following messages received from the Governor today:

Austin, Texas,  
January 11, 1945

To The Senate of the Forty-ninth Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be Members of the Board of Regents of The University of Texas for six year terms to expire January 10, 1951:

Dr. C. O. Terrell of Fort Worth, Tarrant County.

Ed B. Tucker of Nacogdoches, Nacogdoches County.

Ernest E. Kirkpatrick of Brownwood, Brown County.

To be a Member of the Board of Regents of The University of Texas to fill the unexpired term of Dr. Judson Taylor, deceased, who was appointed to fill the unexpired term of Dan J. Harrison, resigned:

Dr. Walter H. Scherer of Houston, Harris County (term expires January 10, 1947).

Respectfully submitted,  
COKE R. STEVENSON,  
Governor of Texas.

Austin, Texas,  
January 10, 1945.

To The Senate of the Forty-ninth Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be Members of the Board of Directors of the Agricultural and Me-

chanical College of Texas for six year terms to expire January 10, 1951:

R. W. Briggs of San Antonio, Bexar County.

Neth L. Leachman of Dallas, Dallas County.

John W. Newton of Beaumont, Jefferson County.

Respectfully submitted,  
COKE R. STEVENSON,  
Governor of Texas.

Austin, Texas,  
January 11, 1945

To The Senate of the Forty-ninth Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments made since the adjournment of the Forty-eighth Legislature:

To be Commissioner to the National Conference of Commissioners on Uniform State Laws to fill the unexpired term of Honorable L. P. Lollar, resigned:

Lucian E. Morehead of Plainview, Hale County (term to expire July 7, 1945).

To be District Judge of the Tenth Judicial District to fill the unexpired term of Honorable J. C. Canty, deceased:

Hon. Russel H. Markwell of Galveston, Galveston County.

To be District Judge of the Eleventh Judicial District to fill the unexpired term of Honorable Norman Atkinson, deceased:

Hon. W. W. Moore of Houston, Harris County.

To be Judge of the Ninth Special District Court:

Hon. E. T. Murphy of Livingston, Polk County.

To be District Judge of the Thirteenth Judicial District to fill the unexpired term of Honorable Wayne R. Howell, resigned:

Hon. A. P. Mays of Corsicana, Navarro County.

To be Members of the State Board of Optometry for six year terms to expire August 11, 1949:

Dr. Nelson Greeman of San Antonio, Bexar County.

Dr. H. G. Towle of Snyder, Scurry County.

To be Members of the State Board of Embalming for six year terms expiring May 31, 1949:

George W. Loudermilk of Dallas, Dallas County.

Clyde Branon of Lamesa, Dawson County.

To be Members of the Board of Dental Examiners for six year terms to expire May 24, 1949:

Dr. H. Arthur Zappe of Mineral Wells, Palo Pinto County.

Dr. W. C. McNeil of Silsbee, Hardin County.

To be a Member of the Lower Colorado River Authority Board of Directors, term to expire January 1, 1949:

P. R. Hamill of Bay City, Matagorda County.

To be Special Commissioners of the Red River Compact Commission:

H. G. Tuck of Sherman, Grayson County.

J. A. Alexander of Sherman, Grayson County.

Wm. O. Harwell of Denison, Grayson County.

W. L. Steakley of Denison, Grayson County.

Wm. J. Tucker of Austin, Travis County.

To be District Judge of the Second Judicial District to fill the unexpired term of Honorable J. W. Chandler, resigned:

Honorable H. T. Brown of Rusk, Cherokee County.

To be District Judge of the Ninety-ninth Judicial District:

Honorable J. E. Vickers of Lubbock, Lubbock County.

To be a Member of the State Board of Hairdressers and Cosmetologists for a six year term to expire August 9, 1949:

Mrs. E. L. Avery of Llano, Llano County.

To be Chairman of the Industrial Accident Board for a six year term to expire September 1, 1949:

John W. Laird of Lufkin, Angelina County.

To be a Member of the State Board of Veterinary Medical Examiners for the term expiring January 1, 1945:

Dr. N. A. Cox of Lubbock, Lubbock County.

To be a Member of the State Board of Water Engineers for a six year term to expire August 19, 1949:

John W. Pritchett of Austin, Travis County.

To be Chairman of the Game, Fish and Oyster Commission, term to expire September 1, 1949:

Murrell L. Buckner of Dallas, Dallas County.

To be a Member of the Game, Fish and Oyster Commission for six year term to expire September 1, 1949:

Dee Davenport of Mission, Hidalgo County.

To be District Attorney of the Forty-sixth Judicial District to fill the unexpired term of Honorable T. Jean Rodgers, resigned:

Honorable Raymond R. Donaghey of Vernon, Wilbarger County.

To be Members of the Texas Board of Chiropractic Examiners for six year terms expiring August 24, 1949:

Dr. M. M. Mihovil of Galveston, Galveston County.

Dr. Paul L. Meyers of Wichita Falls, Wichita County.

Dr. M. B. McCoy of Paris, Lamar County.

To be Members of the Texas Board of Chiropractic Examiners for four year terms expiring August 24, 1947:

Dr. C. C. Phillips of Mission, Hidalgo County.

Dr. J. Stanley Wright of Austin, Travis County.

Dr. L. Wells McClendon of Childress, Childress County.

To be Members of the Texas Board of Chiropractic Examiners for two year terms expiring August 24, 1945:

Dr. Brittie S. Cox of Big Spring, Howard County.

Dr. Walter D. Arnold of Hillsboro, Hill County.

Dr. Chas C. Lemly of Waco, McLennan County.

To be Members of the Finance Commission of Texas for terms expiring February 1, 1949:

S. H. Bever of Fort Worth, Tarrant County.

Dave Blackburn of Victoria, Victoria County.

Thomas E. Acker of Jacksonville, Cherokee County.

To be Members of the Finance Commission of Texas for terms expiring February 1, 1947:

Karl Butz of Fort Stockton, Pecos County.

J. Grady Cheatham of Waxahachie, Ellis County.

C. W. Gill of Abilene, Taylor County.

To be Members of the Finance Commission of Texas for terms expiring February 1, 1945:

H. A. Dobbs of Hempstead, Waller County.

J. H. Ashby of Uvalde, Uvalde County.

C. A. Gibner of Spearman, Hansford County.

To be District Attorney of the Fifty-first Judicial District to fill the unexpired term of Honorable Ralph Logan, resigned:

Honorable Robert Hughes of San Angelo, Tom Green County.

To be Aides-de-Camp on the Governor's Staff:

Captain, Infantry, H. M. Harris, Allen Academy, Bryan, Brazos County.

First Lieutenant, Infantry, M. V. Coleman, Allen Academy, Bryan, Brazos County.

To be Members of the Postwar Economic Planning Commission:

W. C. Trout of Lufkin, Angelina County (Member, Texas Manufacturers Association).

Jno. F. O'Donohoe of Wichita Falls, Wichita County. (Member, Mid-Continent Oil and Gas Association).

V. C. Marshall of Temple, Bell County. (Agriculture).

Mrs. Ross Woodall of Huntsville, Walker County (Member, Texas Press Association).

Frank Grimes of Abilene, Taylor County. (Member, Texas Newspaper Publishers Association).

Byron Utecht of Fort Worth, Tarrant County. (Member, American Legion).

Miss Ethel Foster of Sterling City, Sterling County. (Member, Texas Federation of Women's Clubs).

Gibb Gilchrist of Bryan, Brazos County. (Engineer).

Bert Giesecke of Austin, Travis County. (Architect).

Edgar E. Townes of Houston, Harris County. (Member, Texas Bar Association).

Dr. A. W. Birdwell of Nacogdoches, Nacogdoches County. (Member, Texas State Teachers Association).

P. B. Doty of Beaumont, Jefferson County. (Member, East Texas Chamber of Commerce).

John H. Shary of Mission, Hidalgo County. (Member, South Texas Chamber of Commerce).

W. L. Pier of Fort Worth, Tarrant County. (Member, West Texas Chamber of Commerce).

Wm. J. Moran of El Paso, El Paso County. (Labor).

E. D. McCormick of Corsicana, Navarro County. (Member, Texas County Judges and Commissioners Association).

Dr. Umphrey Lee of Southern Methodist University in Dallas, Dallas County (President, an institution of higher learning).

Dr. W. L. Crosthwait of Waco, McLennan County (Member, Texas State Medical Association).

Chas. Crist of Blanco, Blanco County (Member, Texas Sheep and Goat Raisers Association).

Joe Netzer of Laredo, Webb County (Member, Texas Motor Transportation Association).

H. B. Zachry of San Antonio, Bexar County (Member, Texas Good Roads Association).

R. L. Thornton of Dallas, Dallas County (Member, Texas Bankers Association).

Will T. Bonner of Gainesville, Cooke County (Member, Texas Cattle Raisers Association).

Hal R. Moore of Texarkana, Bowie County (Railroads).

G. H. Zimmerman of Waco, McLennan County (Member, Texas Lumbermen's Association).

Wm. E. Stone of Galveston, Galveston County (Member, Texas Senate).

Cecil Storey of Longview, Gregg County (Member, Texas House of Representatives).

E. E. McAdams of Austin, Travis County (Member-at-Large).

Reagan Houston of San Antonio, Bexar County (Member-at-Large).

Arch Underwood of Lubbock, Lubbock County, and Athens, Henderson County (Member-at-Large).

Ike Ashburn of Houston, Harris County (Member-at-Large).



To be District Judge of the 90th Judicial District to fill the unexpired term of Hon. Bryan Atchison, deceased:

Hon. Floyd Jones of Breckenridge, Stephens County.

To be Members of the Board of Directors, Texas College of Arts and Industries at Kingsville for six year terms to expire August 31, 1949:

Mrs. Frank Lewis of San Antonio, Bexar County.

Frank C. Smith of Houston, Harris County.

To be Members of the State Board of Registration for Professional Engineers for six year terms to expire September 24, 1949:

Datus E. Proper of San Antonio, Bexar County.

J. S. Hudnall of Tyler, Smith County.

To be Members of the State Board of Chiropractic Examiners for six year terms to expire August 11, 1949:

Dr. Edward H. Kott of Austin, Travis County.

Dr. Marshall Harvey of Lubbock, Lubbock County.

To be Members of the Board of Barber Examiners for two year terms expiring October 14, 1945:

J. B. Burris of Seguin, Guadalupe County.

Jack Warden of McKinney, Collin County.

To be Associate Justice of the Court of Civil Appeals, Seventh District, to fill the unexpired term of Honorable A. J. Folley, resigned:

Hon. Clayton Heare of Shamrock, Wheeler County.

To be District Judge of the Seventy-fifth Judicial District to fill the unexpired term of Honorable Thos. B. Coe, appointed to the Court of Civil Appeals, 9th District:

Honorable Clyde Smith of Woodville, Tyler County.

To be Associate Justice of the Court of Civil Appeals, Ninth District, to fill the unexpired term of Judge J. M. Combs, resigned:

Honorable Thos. B. Coe of Kountze, Hardin County.

To be Members of the Texas Civil Judicial Council for six year terms to expire July 1, 1949:

Honorable A. H. Britain of Wichita Falls, Wichita County.

Honorable H. F. Montgomery, Houston, Harris County.

Honorable Randolph L. Carter of San Antonio, Bexar County.

To be a Member of the State Board of Health to fill the unexpired term of Dr. F. C. Elliott, resigned, term expiring June 15, 1947:

Dr. A. W. Rogers of Corsicana, Navarro County.

To be a Member of the Liquor Control Board for a six year term to expire November 15, 1949:

Honorable Fred H. Minor of Denton, Denton County.

To be a Member of the Board of Architectural Examiners for a six year term to expire July 26, 1949:

John Thomas Rather, Jr., of Houston, Harris County.

To be Associate Justice of the Court of Civil Appeals, Eighth District, to fill the unexpired term of Honorable A. M. Walthall, deceased:

Honorable Joseph McGill of El Paso, El Paso County.

To be Attorney General of the State of Texas to fill the unexpired term of Honorable Gerald C. Mann, resigned:

Honorable Grover Sellers of Sulphur Springs, Hopkins County.

To be a Member of the State Board of Control for a six year term to expire December 31, 1949:

Honorable Tom DeBerry of Bogata, Red River County.

To be a Member of the State Board of Trustees, Teacher Retirement System for a six year term to expire August 31, 1949:

George Madison Sims of Port Arthur, Jefferson County.

To be District Attorney of the Seventh Judicial District to fill the unexpired term of Honorable Ernest S. Goens, resigned:

Honorable Leslie M. Neill of Tyler, Smith County.

To be a Member of the Commission of Public Safety for a six year term to expire December 31, 1949:

J. Price Maddox of Sweetwater, Nolan County.



To be a member of the Board of Directors of Texas College of Arts and Industries at Kingsville to fill the unexpired term of R. H. Kern, Jr., resigned:

A. L. Cramer of Edinburg, Hidalgo County. (Term expires August 31, 1945.)

To be Branch Pilots on the Houston Ship Channel and Galveston Bar for the Port of Houston for two year terms:

To expire November 5, 1945: Chas. H. Fuller of Houston, Harris County; Coney Townsend McMains of Houston, Harris County.

To expire October 23, 1945: J. F. Cook of Houston, Harris County; Holt P. Daniels of Houston, Harris County; Edward B. Mercer of Houston, Harris County.

To expire November 14, 1945: Mason Wiggins of Houston, Harris County.

To expire February 16, 1946: Nick J. Morina of Houston, Harris County.

To expire January 5, 1946: John Rose Rowland of Houston, Harris County.

To expire April 6, 1946: Michael F. Russell of Houston, Harris County.

To expire August 19, 1946: Leo Skinner of Houston, Harris County; Chas. O'Brien of Houston, Harris County.

To expire October 2, 1945: Chas. S. Borup of Houston, Harris County.

To expire December 20, 1946: J. S. Charpentier of Houston, Harris County.

To be Branch Pilots for Sabine Bar, Pass and Tributaries for two year terms:

To expire June 29, 1945: Carl M. Bancroft, Port Arthur, Jefferson County.

To expire August 11, 1945: Captain Christian F. Petersen, Port Arthur, Jefferson County; Captain G. H. McFarland, Port Arthur, Jefferson County; Captain V. R. Westbrook, Port Arthur, Jefferson County.

To expire September 3, 1945: Arne Pedersen, Port Arthur, Jefferson County; J. M. Cox, Port Arthur, Jefferson County; S. W. Levingston, Jr., Port Arthur, Jefferson County; G. Rodney Robinson, Port Arthur, Jefferson County.

To be Branch Pilots for Sabine Bar, Pass and Tributaries for two year terms:

To expire October 25, 1945: J. E. Gonzales of Port Arthur, Jefferson County.

To expire January 25, 1946: F. D. French of Port Arthur, Jefferson County.

To expire February 16, 1946: Bert Jackson of Port Arthur, Jefferson County.

To expire April 6, 1946: Don Allien of Port Arthur, Jefferson County.

Jerry B. Johnson of Port Arthur, Jefferson County.

Edgar Woodhouse of Port Arthur, Jefferson County.

To expire April 20, 1946: A. N. Dillon of Port Arthur, Jefferson County.

Carlyle J. Plummer of Port Arthur, Jefferson County.

To be Branch Pilots for the Port of Galveston and Texas City for two year terms:

To expire September 1, 1945: George W. Crosby, Galveston, Galveston County.

Robert W. Howard, Galveston, Galveston County.

Harold F. Johnson, Galveston, Galveston County.

To expire October 21, 1945: Charles H. Heidrick, Galveston, Galveston County.

To be Branch Pilots for Port Aransas Bar, Corpus Christi Bay and Tributaries for two year terms:

To expire November 22, 1945: Simon C. Mathews, Corpus Christi, Nueces County.

To expire March 31, 1946: Clyde W. Armstrong, Corpus Christi, Nueces County.

Albert A. Walker, Corpus Christi, Nueces County.

To expire August 12, 1946: Max J. Luther, Corpus Christi, Nueces County.

To be Branch Pilots for Port Aransas Bar, Corpus Christi Bay and Tributaries for two year terms:

To expire August 30, 1946: Gilbert S. Spinney, Corpus Christi, Nueces County.

To expire June 27, 1946: Andrew Ben Anderson, Corpus Christi, Nueces County.

To be Public Weighers:

In and for Harris County for two year term expiring April 25, 1945:

John H. Lewis, Houston, Harris County.

In and for Harris County for two year term expiring April 27, 1945:

Allen D. Lay, Houston, Harris County.

In and for Harris County for two year term expiring April 25, 1945:

E. R. Morgan, Houston, Harris County.

In and for Harris County for two year term expiring April 9, 1945:

J. D. Woolford, Houston, Harris County.

In and for Harris County for two year term expiring May 17, 1945:

H. Jeppesen, Houston, Harris County.

In and for the City of Galveston for two year term expiring June 9, 1946:

Rene Muller, Jr., Galveston, Galveston County.

In and for Jefferson County for two year term expiring September 11, 1945:

Roland Jones, Jr., Beaumont, Jefferson County.

In and for Cooke County for two year term expiring October 15, 1945:

Frank Cummins, Gainesville, Cooke County.

In and for Harris County for two year term expiring November 23, 1945:

Thomas Clinton Davenport, Houston, Harris County.

In and for Harris County for two year term expiring December 23, 1945:

J. J. Hooks, Houston, Harris County.

In and for McLennan County for two year term expiring September 3, 1945:

F. C. Melton, Waco, McLennan County.

In and for the City of Dallas for two year term expiring February 29, 1946:

W. C. Hendrixson, Dallas, Dallas County.

In and for Harris County for two year term expiring March 10, 1946:

C. F. Purdy, Houston, Harris County.

In and for the City of San Antonio, Bexar County, for two year term expiring March 14, 1946:

Fred S. Harkreader, San Antonio, Bexar County.

In and for Harris County for two year term expiring June 22, 1946:

Fisher G. Dorsey, Houston, Harris County.

In and for Harris County for two year term expiring June 17, 1946:

Raymond E. Prowse, Houston, Harris County.

In and for Harris County for two year term expiring June 15, 1946:

George Prowse, Houston, Harris County.

In and for Harris County for two year term expiring July 2, 1946:

W. M. Burton, Houston, Harris County.

In and for Harris County for two year term expiring November 27, 1946:

Jack Earle Florance, Houston, Harris County.

To be District Attorney of the 81st Judicial District to fill the unexpired term of Honorable Morgan Williams, deceased:

Honorable John F. May of Kenedy, Karnes County.

To be Commissioners of San Jacinto State Park for two year terms to expire May 23, 1945:

J. Perry Moore of Houston, Harris County.

Miss Mary Todd of Houston, Harris County.

Will Kendall of Houston, Harris County.

To be Chief Justice of the Court of Civil Appeals, Sixth District, to fill the unexpired term of Honorable George W. Johnson, deceased:

Honorable Reuben A. Hall of Texarkana, Bowie County.

To be Associate Justice of the Court of Civil Appeals, Sixth District, to fill the unexpired term of Honorable Reuben A. Hall, resigned:

Honorable R. H. Harvey of Linden, Cass County.

To be District Judge of the Fifth

District to fill the unexpired term of Honorable R. H. Harvey, resigned:

Honorable Robert S. Vance of Texarkana, Bowie County.

To be Members of the Board of Directors, Upper Guadalupe River Authority to fill the unexpired term of W. B. Leigh, deceased:

Frank A. Thomason of Center Point, Kerr County. (Term expires January 1, 1947.)

To be Criminal District Attorney for Harris County to fill the unexpired term of Honorable Dan W. Jackson, resigned:

Honorable A. C. Winborn of Houston, Harris County.

To be Firemen's Pension Commissioner for the term expiring July 1, 1945:

H. Bayne Satterfield of Austin, Travis County.

To be Chief Justice, Court of Civil Appeals, Ninth District, to fill the unexpired term of Honorable Daniel Walker, deceased:

Honorable Thos. B. Coe of Beaumont, Jefferson County.

To be Associate Justice, Court of Civil Appeals, Ninth District, to fill the unexpired term of Honorable Thomas B. Coe, resigned:

Honorable Raymond L. Murray of Port Arthur, Jefferson County.

To be District Attorney for the 30th Judicial District to fill the unexpired term of Honorable Elmer H. Parish, resigned:

Honorable George W. Anderson of Wichita Falls, Wichita County.

To be Members of the Library and Historical Commission of Texas:

For the term expiring September 28, 1949: Mrs. Herbert P. Gambrell of Dallas, Dallas County.

For the term expiring September 28, 1947: John Gould, Wichita Falls, Wichita County.

For the term expiring September 28, 1945: Dr. Edmund Heinsohn of Austin, Travis County.

For the term expiring September 28, 1945: Miss Laura Aline Hobby of Dallas, Dallas County.

To be Director of the Brazos River Conservation and Reclamation Dis-

trict to fill the unexpired term of J. S. Fox, deceased, term expiring February 1, 1949:

Oxsheer Smith of Cameron, Milam County.

To be District Judge of the 20th Judicial District to fill the unexpired term of Honorable W. Graham Gillis, deceased:

Honorable O. L. Kidd of Cameron, Milam County.

To be District Judge of the 59th Judicial District to fill the unexpired term of Honorable Tom Suggs, resigned:

Honorable W. C. Dowdy of McKinney, Collin County.

To act as Chairman of the State Commission for the Blind for the term expiring January 1, 1945:

Walter Buckner of San Marcos, Hays County.

To be District Judge of the 109th Judicial District to fill the unexpired term of Honorable William L. Kerr, resigned:

Honorable Hill D. Hudson of Pecos, Reeves County.

To be District Attorney for the 50th Judicial District to fill the unexpired term of Honorable Charlie Blount, resigned:

Honorable Thos. F. Glover of Seymour, Baylor County.

To be District Attorney of the 83rd Judicial District to fill the unexpired term of Honorable Alan R. Fraser, resigned:

Honorable Travers Crumpton of Fort Stockton, Pecos County.

To be District Judge of the 69th Judicial District to fill the unexpired term of Honorable James W. Wither- spoon, resigned:

Honorable John H. Aldridge, Jr., of Farwell, Parmer County.

To be District Judge of the 127th Judicial District to fill the unexpired term of Honorable Kenneth McCalla, resigned:

Honorable William M. Holland of Houston, Harris County.

To be a Member of the Texas Prison Board to succeed Wm. George

Gilks, resigned, term to expire February 2, 1947:

R. J. Edwards of Denton, Denton County.

To be Presiding Judge of the First Administrative Judicial District to succeed Honorable Claude McCallum, deceased:

Honorable W. L. (Jack) Thornton of Dallas, Dallas County.

To be Judge of the Criminal District Court of Dallas County to succeed Grover Adams, deceased:

Honorable Winter King of Dallas, Dallas County.

To be Judge of the 101st District Court of Dallas County to succeed Honorable Claude McCallum, deceased:

Honorable William M. Cramer of Dallas, Dallas County.

To be Member-at-Large of the Post-War Economic Planning Commission to fill the vacancy created by the resignation of Arch Underwood:

Dr. Walter Prescott Webb of Austin, Travis County.

To be District Attorney of the 109th Judicial District to fill the unexpired term of Honorable Hill Hudson, resigned.

Honorable James D. Willis of Pecos, Reeves County.

To be a Member of the Board of Directors of Texas Technological College to fill the unexpired term of Honorable Milburn McCarty, resigned, term to expire February 19, 1945:

Lee Pfluger of Eden, Concho County.

To be Members of the Texas Civil Judicial Council for terms expiring July 1, 1945:

Honorable Major T. Bell of Beaumont, Jefferson County (to succeed Honorable Marion N. Chrestman, resigned).

Honorable Peyton B. Randolph of Plainview, Hale County (to succeed Honorable Robert W. Stayton, resigned).

To be District Judge of the 109th Judicial District to fill the unexpired term of Honorable Hill D. Hudson, resigned:

Honorable Henry Russell of Pecos, Reeves County.

To be District Judge of the 18th Judicial District to fill the unexpired term of Honorable O. B. McPherson, deceased:

Honorable Penn J. Jackson of Cleburne, Johnson County.

To be District Attorney of the 33rd Judicial District to fill the unexpired term of Honorable Carlos C. Ashley, resigned:

Honorable Roscoe Runge of Mason, Mason County.

To be District Attorney of the 69th Judicial District to fill the unexpired term of Honorable John B. Honts, resigned:

Honorable King Fike of Dalhart, Hartley County.

To be a Member of the Board of Commissioners of Pilots for the Galveston-Texas City District to fill the unexpired term of A. W. Purdy, deceased:

Captain A. M. Carlson of Galveston, Galveston County. (Term expires April 15, 1945).

To be a Member of the Commission for the Blind to fill the unexpired term of Mr. Bruner Penniman, resigned, term to expire January 1, 1947:

J. Howard West of Houston, Harris County.

To be a Member of the State Board of Health to fill the unexpired term of Dr. Sam E. Thompson, resigned, term to expire June 15, 1949:

Dr. O. B. Kiel of Wichita Falls, Wichita County.

To be a Member of the Postwar Economic Planning Commission to fill the vacancy created by the resignation of Mr. John H. Shary:

S. Maston Nixon of Corpus Christi, Nueces County.

To be a Member of the Board of Directors of the Nueces River Conservation and Reclamation District to fill the unexpired term of Mr. B. Wildenthal, Jr., resigned, term to expire February 1, 1949:

Ray M. Keck of Cotulla, La Salle County.

To be a Member of the Goliad State Park Commission for the term expiring March 25, 1945, to succeed Judge W. E. Fowler, deceased:

Edward E. Martin of Goliad, Goliad County.

To be a Member of the State Board of Barber Examiners for a two year term to expire October 14, 1946:

J. H. Francis of Longview, Gregg County.

To be Branch Pilots, Sabine Bar, Pass and Tributaries, for two year terms to expire October 18, 1946:

Wm. F. Fredeman of Port Arthur, Jefferson County.

Victor E. Sanford of Port Arthur, Jefferson County.

C. S. West of Beaumont, Jefferson County.

To be a Member of the Board of Directors of the Agricultural and Mechanical College of Texas to fill the unexpired term of Honorable F. M. Law, resigned, term to expire January 10, 1949:

E. W. Harrison of South Bend, Young County.

To be a Member of the Postwar Economic Planning Commission (Member, Texas Bankers Association) to fill the vacancy created by resignation of Honorable R. L. Thornton:

P. B. Doty of Beaumont, Jefferson County.

To be a Member of the Postwar Economic Planning Commission (Member, East Texas Chamber of Commerce) to fill Mr. Doty's place:

W. H. Hitzelberger of Dallas, Dallas County.

To be a Member of the Postwar Economic Planning Commission (Engineer Representative) to fill vacancy created by resignation of Honorable Gibb Gilchrist:

Andy P. Rollins of Dallas, Dallas County.

To be a Member of the Board of Regents of the University of Texas to fill the unexpired term of Dr. K. H. Aynesworth, deceased, term to expire January 10, 1945:

Dr. C. O. Terrell of Fort Worth, Tarrant County.

To be a Member of the Board of Regents of the University of Texas to fill the unexpired term of Honorable Dan J. Harrison, resigned, for the term to expire January 10, 1947:

Dr. Judson Taylor of Houston, Harris County.

To be a Member of the Board of Regents of the University of Texas to fill the unexpired term of Honorable John H. Bickett, resigned, for the term to expire January 10, 1949:

Dudley K. Woodward, Jr., of Dallas, Dallas County.

To be a Member of the Board of Regents of the University of Texas to fill the unexpired term of Honorable H. H. Weinert, resigned, for the term to expire January 10, 1949:

David M. Warren of Panhandle, Carson County.

To be a Member of the Board of Directors of the Agricultural and Mechanical College of Texas to fill the unexpired term of Honorable John C. Burns, resigned, term expiring January 10, 1947:

Rufus R. Peeples of Tehuacana, Limestone County.

To be Members of the Texas Prison Board for terms expiring February 2, 1945:

Lindsay T. Murray of Waco, McLennan County (to fill unexpired term of Honorable Walter Dillard, resigned).

J. W. Keeland of Houston, Harris County (to fill unexpired term of Honorable Paul T. Sanderson, deceased).

To be a Member of the Unemployment Compensation Commission for a six year term to expire November 21, 1950:

Honorable Robert M. McKinley of Austin, Travis County.

To be Public Weigher in and for the City of Galveston for a two year term to expire November 23, 1946:

D. C. Abbott of Galveston, Galveston County.

To be Public Weigher in and for Harris County for a two year term to expire November 16, 1946:

W. J. Stagner of Houston, Harris County.

To be Members of the Board of Regents for the Texas State College for Women for six year terms to expire January 10, 1951:

J. K. Brim of Sulphur Springs, Hopkins County.

Mrs. George Waverley Briggs of Dallas, Dallas County.

Mrs. Bob Barker of Austin, Travis County.

To be a Member of the Liquor Control Board to fill the unexpired term of Honorable W. J. Townsend, resigned, term expiring November 15, 1945:

Mills P. Walker of Bryan, Brazos County.

To be Chairman of the Liquor Control Board, term expiring November 15, 1947:

Morris Roberts of Victoria, Victoria County.

Respectfully submitted,

COKE R. STEVENSON,

Governor of Texas.

After the messages were read, they were referred to the Committee on Nominations of the Governor.

#### House Concurrent Resolution 6

The President laid before and had read to the Senate:

H. C. R. No. 6, Providing for a joint session of the Legislature to count the votes cast at the last general election for Governor and Lieutenant Governor.

By unanimous consent, the resolution was considered immediately and was adopted.

Accordingly, the President appointed Senators Carney, Graves, York, Ramsey and Parrish as committeemen and tellers on the part of the Senate to count the votes for Governor and Lieutenant Governor.

#### House Concurrent Resolution 7

The President laid before and had read to the Senate:

H. C. R. No. 7, Authorizing the House and the Senate to adjourn from Thursday, January 11, 1945 to Monday, January 15, 1945.

The resolution was read and was adopted.

#### Committee to Escort Commander of American Legion

In accordance with the provisions of S. C. R. No. 3, the President appointed Senators Metcalfe, Taylor, Spears, Moffett and Martin as the committeemen on the part of the Senate to escort Commander Edward N. Scheiberling of the American Legion to a joint session of the Legislature.

#### House Concurrent Resolution 2

The President laid before and had read to the Senate:

H. C. R. No. 2, Providing for parking space for Members' automobiles and for additional space for the automobiles of accredited newspaper correspondents.

By unanimous consent, the resolution was considered immediately.

The resolution was adopted.

#### Bill and Resolution Signed

The President signed S. B. No. 5 and S. C. R. No. 1 in the presence of the Senate after giving due notice thereof and their captions had been read.

#### Consideration of Senate Bill 6

Senator Moore moved that Section 5 of Article 3 of the Constitution be suspended, to permit the immediate consideration of S. B. No. 6 in committee and on the floor of the Senate.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalfe	

**Absent—Excused**

Kelley Shivers

**Report of Standing Committee**

Senator Moore, by unanimous consent, submitted at this time the following report:

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred:

S. B. No. 6, A Bill to be entitled An Act providing that it shall be lawful for any person at any time to have in his possession, or to place in and have in any public or private storage plant, refrigerator or locker, any game birds, (migratory or other), game animals, water fowl, or migratory water fowl, lawfully taken or killed, not in excess of the number or amount permitted by law to be possessed; repealing all laws in conflict therewith; and especially repealing that portion of House Bill 451, Chapter 252, Acts Regular Session, 48th Legislature, relative to retention limits thereon, or the fixing of retention limits thereon; and declaring an emergency.

Have considered the same, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

**Senate Bill 6 on Second Reading**

On motion of Senator Moore, and by unanimous consent, the Senate agreed to take up S. B. No. 6 for consideration at this time.

The President laid the bill before the Senate, it was read second time and was passed to engrossment.

**Senate Bill 6 on Third Reading**

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 6 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin Carney  
Brown Chadick  
Bullock Crawford

Graves  
Hazlewood  
Jones  
Knight  
Lane  
Lanning  
Martin  
Mauritz  
Metcalf  
Moffett  
Moore  
Morris  
Parrish  
Ramsey  
Spears  
Stanford  
Stone  
Sulak  
Taylor  
Vick  
Weinert  
Winfield  
York

**Absent—Excused**

Kelley Shivers

The President laid the bill before the Senate, and it was read third time.

The bill was passed by the following vote:

Yeas—29

Aikin  
Brown  
Bullock  
Carney  
Chadick  
Crawford  
Graves  
Hazlewood  
Jones  
Knight  
Lane  
Lanning  
Martin  
Mauritz  
Metcalf  
Moffett  
Moore  
Morris  
Parrish  
Ramsey  
Spears  
Stanford  
Stone  
Sulak  
Taylor  
Vick  
Weinert  
Winfield  
York

**Absent—Excused**

Kelley Shivers

**Adjournment**

On motion of Senator Vick, the Senate, at 12:20 o'clock p. m., adjourned until 10:00 o'clock a. m. Monday, January 15, 1945.

**FOURTH DAY**

(Monday, January 15, 1945)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin Carney  
Brown Chadick  
Bullock Crawford